

House Study Bill 656

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the oversight of persons organized or doing
2 business in this state on a nonprofit basis, providing for
3 fees, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5288DP 82
6 da/nh/14

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1 1 Section 1. NEW SECTION. 13.41 CHARITIES OVERSIGHT FUND
1 2 == APPROPRIATION.
1 3 A charities oversight fund is created in the state
1 4 treasury.
1 5 1. The fund shall be administered by the treasurer of
1 6 state upon direction of the attorney general. The fund shall
1 7 include all of the following:
1 8 a. Moneys collected by the secretary of state for the
1 9 filing of biennial reports by domestic nonprofit corporations
1 10 as provided in section 504.1613.
1 11 b. Moneys appropriated to the fund and any other moneys
1 12 available to and obtained or accepted by the treasurer of
1 13 state for placement in the fund.
1 14 2. a. Notwithstanding section 12C.7, interest or earnings
1 15 on moneys in the fund shall be credited to the fund.
1 16 b. Notwithstanding section 8.33, moneys in the fund that
1 17 remain unencumbered or unobligated at the end of the fiscal
1 18 year shall not revert, but shall remain available for the same
1 19 purpose in the succeeding fiscal year.
1 20 3. The moneys in the fund are appropriated to the attorney
1 21 general exclusively for the purposes of providing oversight,
1 22 including regulation, of persons organized or doing business
1 23 in this state on a nonprofit basis, including domestic
1 24 nonprofit corporations and domestic charitable trusts.
1 25 Sec. 2. Section 504.1613, subsection 4, paragraph b, Code
1 26 2007, is amended to read as follows:
1 27 b. A filing fee for the biennial report shall be assessed
1 28 and collected by the secretary of state.

1 29 (a) For a domestic corporation, the amount of the fee
1 30 shall be determined by the secretary of state after
1 31 consultation with the attorney general. The amount of the fee
1 32 shall be based on the revenue required to provide oversight of
1 33 persons organized or doing business in this state on a
1 34 nonprofit basis as provided in section 13.41 after considering
1 35 the balance in the charities oversight fund as provided in
2 1 that section. The fees shall be deposited into the fund.

2 2 (b) For a foreign corporation, the amount of the fee shall
2 3 be determined by the secretary of state. The fees shall be
2 4 deposited in the general fund of the state.

2 5 EXPLANATION

2 6 This bill creates a charities oversight fund and provides
2 7 for an appropriation from the fund to the attorney general to
2 8 support the oversight, including regulation, of persons
2 9 organized or doing business in this state on a nonprofit basis
2 10 (domestic nonprofit corporations and domestic charitable
2 11 trusts). The fund is supported by moneys collected by the
2 12 secretary of state from domestic nonprofit corporations who
2 13 must file a report each odd-numbered year with the secretary.
2 14 The amount of the fee, determined by the secretary in
2 15 consultation with the attorney general, is based on the amount
2 16 necessary to support the attorney general's efforts.
2 17 LSB 5288DP 82
2 18 da/nh/14.1

